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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,590	02/23/2004	Jae-Ho Kim	04085-P0002A	9593
24126	7590	05/03/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER

3681

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,590	Applicant(s) KIM, JAE-HO	
	Examiner Rodney H. Bonck	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a first action on the merits of application Serial No.10/784,590, filed February 23, 2004.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the Republic of Korea on July 12, 2003. It is noted, however, that applicant has not filed a certified copy of the Korean application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed October 25, 2004. The cited documents have been considered.

Specification

The abstract of the disclosure is objected to because it includes legal phraseology, *i.e.*, "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for "the gears", recited in line 22 of claim 1. Also, in claim 1, line 34, "two brake pins" are referred to, and it is unclear whether these are two of the "plural pairs of brake pins" already defined in line 30. It appears that claim 2 is inaccurate in reciting, "thereby ensuring that a lever is continuously maintained in position." It does not appear that the lever is maintained in a particular position, but rather can be moved in "pumping" the device. It appears that claim 5 is similarly inaccurate in reciting, "thereby allowing the roller assembly to be continuously maintained in position." It appears that the roller assembly moves when lever block 518 is clutched to base 515.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Denis('557). Denis discloses a seat cushion pumping device comprising a clutch unit 44 and a brake unit 48. The clutch unit and brake unit are accommodated between a lower bracket 13 and an upper bracket 12. The clutch unit is arranged between the upper bracket and one surface of a base 20, and the brake unit is between the lower bracket and the other

surface of the base 20. The clutch unit has a roller assembly 45,46, a lever block 14, and a lever bracket 16 coupled to the lever block 14. The brake unit has a link connection gear 63, an operating plate 35, power receiving grooves (between fingers 37), flattened portions (between the grooves), plural pairs of brake pins 49,50, and elastic members 51 between the brake pins. Pin pushers are provided by opposing sides of power transmission pins 25 formed on the other surface of base 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denis('557) in view of Schumann et al.('894). The Denis device the spring hook and return spring called for in claim 2. The Schumann et al. device shows spring hooks 92, 101 for engagement with return spring 15. It would have been obvious to provide spring hooks and a return spring in Denis, the motivation being to provide bias to return the lever to a neutral position. The Schumann et al. device further suggests providing a clutch spring 16 positioned around the boss on plate 3a.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denis('557) in view of Baloché et al.('952). In Denis('557) the lever is not secured to the lever block by the center screw bore as called for in claim 3. This type of connection is known in this environment, as shown by Baloché et al. It would have been obvious to use this connection in Denis, since the artisan would have recognized the center screw connection as an obvious mechanical equivalent.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denis('557) in view of Hochmuth et al.('973). The clutching surfaces in Denis do not have the central roller slits and curvedly inclined operating surfaces called for in this claim. This is a known roller clutch configuration, however, as shown by Hochmuth et al.(Fig. 2). A person having ordinary skill in this art would have recognized the Hochmuth et al. ramp configuration as an obvious alternative to that of Denis. Thus, use of this other known ramp configuration would have been obvious within the meaning of 35 USC 103.

Allowable Subject Matter

Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Denis('233) and Schwarzbich('479) show other similar adjusting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
May 1, 2005